

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

REVERE TACTICAL OPPORTUNITIES
REIT, LLC,

Plaintiff,

v.

JEFFERSON HILLS ACQUISITION LLC,
BEAVER HEALTHCARE REAL ESTATE,
LLC, MULBERRY HEALTHCARE REAL
ESTATE, LLC, RIDGEVIEW
HEALTHCARE REAL ESTATE, LLC,
LAKEVIEW HEALTHCARE REAL
ESTATE, LLC, SCOTTDALE
HEALTHCARE REAL ESTATE, LLC,
JEFFERSON HILLS OPERATING LLC,
BEAVER HEALTHCARE OPERATING,
LLC, MULBERRY HEALTHCARE
OPERATING, LLC, RIDGEVIEW
HEALTHCARE OPERATING, LLC,
LAKEVIEW HEALTHCARE OPERATING
LLC, AND SCOTTSDALE HEALTHCARE
OPERATING, LLC,

Defendants.

Case No. 3:24-cv-00052-KRG

**OPTIMUMBANK'S MOTION FOR TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

In accordance with Rule 65 of the Federal Rules of Civil Procedure, OptimumBank respectfully moves the Court for a temporary restraining order and preliminary injunction. OptimumBank seeks to prevent irreparable harm as a result of Plaintiff Revere Tactical Opportunities REIT, LLC's ("Plaintiff") taking and utilization of its collateral. Due to ongoing irreparable harm and continued risk of irreparable harm, OptimumBank seeks immediate relief. The reasons supporting this Motion are set forth fully in the accompanying Brief in Support, which is incorporated by reference.

Dated: April 1, 2024

Respectfully Submitted,

/s/ Michael A. Iannucci

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**PROPOSED ORDER GRANTING OPTIMUMBANK'S MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

WHEREFORE, OptimumBank has moved for a temporary restraining order and preliminary injunction to enjoin Plaintiff Revere Tactical Opportunities REIT, LLC ("Plaintiff") from conduct causing imminent and irreparable harm.

WHEREAS, the Court, having considered the Motion, any opposition thereto, and argument thereon,

IT IS HEREBY ORDERED, this _____ day of April, 2024, that:

The Motion is GRANTED. Until further order of this Court:

1. OptimumBank is declared to have the senior security interest in and a lien on the of the AR Lender Priority Collateral;
2. The Receiver must comply with the terms of the Intercreditor Agreement;
3. Any AR Lender Priority Collateral and proceeds thereof that come into possession of Plaintiff or Defendants are to be held in trust for OptimumBank and Plaintiff and Defendants are required to turn over any AR Lender Priority Collateral and/or proceeds thereof to Plaintiff promptly upon receipt, until all of the AR Loan Obligations have been paid in full; and
4. Plaintiff is enjoined from using any of the AR Lender Priority Collateral.

_____, J.

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of April, 2024, a true and correct copy of the foregoing document was served upon all counsel of record via the ECF filing system.

/s/ Michael A. Iannucci
Counsel for Proposed-Intervenor